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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,844	10/24/2001	Kenneth H. Potter JR.	112025-0458	9060
24267	7590	08/04/2005	EXAMINER	
CESARI AND MCKENNA, LLP			JAIN, RAJ K	
88 BLACK FALCON AVENUE			ART UNIT	
BOSTON, MA 02210			PAPER NUMBER	
			2664	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,844

Applicant(s)

POTTER ET AL.

Examiner

Raj Jain

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,10,12,14-17,20,21,23-26 and 29-34 is/are rejected.
- 7) ☒ Claim(s) 3,8,9,11,13,18,19,22,27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1-34 examined on the merits.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-7, 10, 12, 14-17, 20, 21, 23-26, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Chandra et al (US006058389A ).

Regarding claims 1, 20, 29, 30, 32 and 33, Chandra discloses a means by method and apparatus for performing a scheduling function (see abstract, Figs. 1 & 2, col 3 lines 15-23, col 4 lines 49-55, the system queues messages for scheduling and execution within a queue table 200 for scheduling.) the method comprising the steps of:

- receiving a request to schedule an event (see Fig. 2, col 3 lines 1-15, col 6 lines 64-col 7 line 4, an event is scheduled as a receive request is sent to the queue table 200 for processing the request.);

- calculating an expiration time associated with the event using information contained in the request (see col 3 lines 1-15, col 8 line 60 –67, each queue has an expiration time which is defined for each message within the queue, thus infact an expiration time is calculated based on the message or event within the queue.);

- determining if conditions are met to issue a notification and issuing a notification if conditions are met (see col 28 lines 17-30, Figs. 4a-b, the queuing system includes a time manager to determine if certain conditions are met and in this case delay and expiration times for enqueue request and issue a notification to dequeue process if a delay is complete or not).

Further with respect to claim 29, Chandra discloses a processor (104, Fig. 1) and Queue table 200 (Fig. 2) for scheduling function.

Regarding claims 2, 21 and 34, Chandra discloses a queuing apparatus (fig. 2) which would receive request messages, packets etc.. Packets consist of bytes and other information that may include rate information.

Regarding claims 4, 7, 14, 17, 23 26 and 31, Chandra discloses series of validity checks that compares expiration times and if it meets or exceeds some delay value and or threshold (see col 15 lines 37-54, fig.9a).

Regarding claims 5, 6, 15, 16, 24 and 25, Chandra discloses an event table and associated expiration times with each message (see Fig. 2, 200, 208, col 7 lines 4-50), the columns in queue table 200 consist of number of different entries such as message state, delay, and expiration values, etc.

Regarding claim 10, Chandra discloses updating of an event (see col 19, lines 12-27.)

Regarding claim 12, Chandra discloses a computer readable medium for executing instructions (see 4 lines 49-67).

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***Allowable Subject Matter***

Claims 3, 8, 9, 11, 13, 18, 19, 22, 27,28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



RJ

July 26, 2005